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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,263	02/15/2002	Varughese Philip		3362

7590 06/15/2005
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ROSLYN, NY 11576

EXAMINER

THEIN, MARIA TERESA T

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,263

Applicant(s)

PHILIP, VARUGHESE

Examiner

Marissa Thein

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings filed on February 15, 2002 have been acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application Publication No. 2002/0152178 to Lee.

Regarding claim 1, Lee discloses a method for completing a credit card transaction in which a credit card holder uses a transponder (mobile terminal containing a transponder) in place of the plastic card during a credit card transaction, the method of steps comprising: assigning a credit card number to a transponder (mobile terminal containing a transponder) as its tag number (paragraph 21); using the transponder in place of the credit card (paragraph 21); providing a credit card owner with the transponder (paragraph 33; paragraph 38); retrieving the credit card number from the database maintained by the credit card company using the transponder (paragraphs 59-60; paragraphs 67-68; paragraphs 43-45); authenticating the transaction after verifying

he credit card number through database search (paragraphs 67-68); and informing the merchant of the authentication and charging of the credit card (paragraphs 46-47).

Regarding claim 2, Lee discloses the transponder has a keypad (paragraph 37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication Application No. 2002/0152178 to Lee in view of U.S. Patent No. 6,250,557 to Forslund et al.

Regarding claim 3, Lee substantially discloses the claimed invention, however, it does not explicitly disclose a personal identification number. Lee discloses the transponder is constructed to automatically transmit its peculiar code and/or encryption key to a card reader when it falls within a sensing region of an antenna attached to the transaction approval terminal (paragraph 34).

Forslund, on the other hand, teaches the personal identification number (customer then enters into the mobile phone (e.g. using the phone's keypad) a PIN code) (col. 4, lines 57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Lee, to include the personal

identification number, as taught by Forslund, in order to provide authentication protection (Forslund, col. 2, lines 29-30).

Regarding claim 4, Lee discloses a method for completing a credit card transaction in which a credit card holder uses a transponder in place of the plastic card during a credit card transaction (paragraph 21), the method comprising the steps of: initiating a transaction when a card holder points the transponder (mobile terminal containing a transponder) at a reader (paragraph 34); wirelessly transmitting the credit card number to the reader (paragraph 33; paragraphs 42-43); searching the database for the credit card number (paragraphs 59-60; paragraphs 43-45); authenticating the transaction after verifying the credit card number through database search (paragraph 48; paragraph 67); and completing the transaction by charging the credit card (paragraph 48; paragraph 67).

However, Lee does not explicitly disclose entering a personal identification number on the transponder. Lee discloses the transponder is constructed to automatically transmit its peculiar code and/or encryption key to a card reader when it falls within a sensing region of an antenna attached to the transaction approval terminal (paragraph 34).

Forslund, on the other hand, teaches the entering a personal identification number on the transponder (customer then enters into the mobile phone (e.g. using the phone's keypad) a PIN code) (col. 4, lines 57-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Lee, to include the personal

identification number, as taught by Forslund, in order to provide authentication protection (Forslund, col. 2, lines 29-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. 2002/0178063 to Gravelle et al. discloses a payment systems and method using wireless transponder in a community or retailers.

U.S. Patent Application Publication No. 2001/0005840 to Verkama discloses authentication in a telecommunications network.

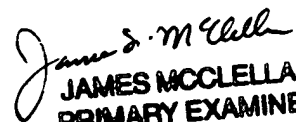
U.S. Patent No. 6,263,316 to Khan et al. discloses an automated retailing of refreshments and other basic consumer products to a vehicle occupants as the vehicle passes through a tool station having an automated payment capability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
June 9, 2005


JAMES MCCLELLAN
PRIMARY EXAMINER